

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Commodity Futures Trading Commission,)	
)	
Plaintiff,)	
)	
v.)	Case No. 20-3758
)	
Long Leaf Trading Group, Inc., James A.)	Hon. Thomas A. Durkin
Donelson, Timothy M. Evans, Jeremy S.)	
Ruth, and Andrew D. Nelson,)	
)	
Defendants.)	

**DECLARATION OF JOSEPH C. PLATT IN SUPPORT OF PLAINTIFF’S RULE 55(a)
MOTION FOR ENTRY OF DEFENDANT ANDREW NELSON’S DEFAULT**

Pursuant to 28 U.S.C. § 1746, I, Joseph C. Platt, state that

1. I have personal knowledge of all facts in this declaration.
2. I am a member of the bar of the U.S. District Court for the Northern District of Illinois and have appeared as counsel on behalf of Plaintiff U.S. Commodity Futures Trading Commission (“CFTC”) in the above-captioned case.
3. I am familiar with the pleadings, other docket entries, and discovery in this litigation.
4. Defendant Andrew Nelson is not an infant and, based on a search I conducted on December 15, 2020, of the Department of Defense’s Manpower Data Center’s web-based database, has not served on active duty in the United States military at any point during the previous calendar year.
5. On July 17, 2020, the CFTC filed a motion for alternative service of process with respect to Defendant Andrew Nelson. (ECF No. 12.) In that motion, the CFTC detailed the

steps it had taken to attempt to serve Defendant Nelson personally at various residential addresses with which he has been associated, explained its basis to believe that Nelson has actual knowledge of the CFTC's claims against him, and also described its relatively recent communications with Defendant Nelson via the email address "adnelson0503@gmail.com." (*Id.* at 3–5.) The CFTC requested the Court grant it leave to serve Defendant Nelson via email at the adnelson0503@gmail.com address. (*Id.* at 7.)

6. The Court granted the CFTC's motion for alternative service in a July 30, 2020 minute entry. (ECF No. 13.)

7. The CFTC served Defendant Nelson with process on July 31, 2020, by email and by mailing a copy of the complaint and summons to his parents' house via UPS. (*See* ECF No. 15.)

8. The case's docket reflects that Defendant Nelson has not appeared in this case, filed an answer to the CFTC's complaint, or otherwise attempted to defend himself. (*See* Dkt.)

9. Defendant Nelson has not participated in discovery. The CFTC has copied Defendant Nelson on all required communications, including emails among the parties exchanging drafts of scheduling orders and joint status reports. The CFTC also served a set of document requests on Defendant Nelson by email on October 5, 2020. (*See* Ex. A.)

10. Defendant Nelson has not replied to any email sent to him by the CFTC in this litigation, produced Rule 26(a) initial disclosures, produced any responsive documents, or propounded any discovery requests of his own.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Dated: December 15, 2020.

/s/ Joseph C. Platt

Counsel to Plaintiff Commodity Futures
Trading Commission

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Division of Enforcement
525 W. Monroe St., Ste. 1100
Chicago, IL 60661
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CERTIFICATE OF SERVICE

I certify that on December 15, 2020, I provided service to all parties via CM/ECF or by the alternative means described below:

Jim Falvey
Falvey Law Office
200 S. Wacker Dr., Ste. 3100
Chicago, IL 60606
312-404-5839
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*Counsel to Long Leaf Trading Group, Inc.
and James A. Donelson*

Andrew May
Hinshaw & Culberston LLP
151 N. Franklin St.
Chicago, IL 60606
312-704-3400
amay@hinshawlaw.com
Counsel to Jeremy Ruth

By email and UPS:

Andrew D. Nelson
267 May St. E.
Elmhurst, IL 60126
adnelson0503@gmail.com
Pro se

Joseph C. Platt

Joseph C. Platt

EXHIBIT A

From: [Platt, Joseph](#)
To: adnelson0503@gmail.com
Cc: [Streit, Elizabeth M.](#); [Burden, Ashley](#); niavarone@iavaronefirm.com; larry@landsmanfirm.com; jeremysruth@hotmail.com
Subject: CFTC v. Long Leaf Trading Group, Inc. et al., No. 20-375 (N.D. Ill.)
Date: Monday, October 5, 2020 11:05:00 AM
Attachments: [2020.10.05 first RFPs to Nelson.pdf](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)

Mr. Nelson –

Please see the attached discovery request in the above-referenced action.

Regards,
Jody Platt



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